



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,743	12/21/2001	Thomas G. Triebes	KCX-495 (17557)	3702
22827	7590	12/14/2004	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER

1772

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/036,743

Applicant(s)

TRIEBES ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15, 9/27, 5/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Withdrawn Rejections***

1. The 35 U.S.C. 102 rejection of claims 1-4, 7 and 13 as anticipated by Nash of record in the Office Action mailed 6/23/04, Page 3, Paragraph #3 has been withdrawn due to the Applicants amendment filed 9/27/04.
2. The 35 U.S.C. 102 rejection of claims 1-3, 5-8, 10 and 13 as anticipated by Lee of record in the Office Action mailed 6/23/04, Page 4, Paragraph #4 has been withdrawn due to the Applicants amendment filed 9/27/04.
3. The 35 U.S.C. 103 rejection of claim 4 over Lee in view of Nash of record in the Office Action mailed 6/23/04, Page 5, Paragraph #6 has been withdrawn due to the Applicants amendment filed 9/27/04.
4. The 35 U.S.C. 103 rejection of claims 9, 11 and 12 over Lee in view of Littleton et al. of record in the Office Action mailed 6/23/04, Pages 5-6, Paragraph #7 has been withdrawn due to the Applicants amendment filed 9/27/04.
5. The 35 U.S.C. 103 rejection of claims 14-20 over Lee in view of Littleton et al. of record in the Office Action mailed 6/23/04, Pages 6-8, Paragraph #8 has been withdrawn due to the Applicants amendment filed 9/27/04.

*New Rejections*

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 36-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "consists essentially of" in claims 36, 54 and 67 is deemed new matter. The specification, as originally filed, does not provide support for the invention as is now claimed.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1772

9. **Claims 36-38, 40-42, 44-46, 48-56, 58-60, 62-64, 66-68 and 70** are rejected under 35 U.S.C. 103(a) as being unpatentable over Joung (US 4,302,852) in view of Littleton et al. (US 5,792,531).

Regarding **claims 36-38, 40, 41, 44-46, 49, 54-56, 58, 59, 62-64, 67, 68 and 70**, Joung discloses an elastomeric glove that comprises a substrate body (Figs. 2 and 5, #3; also see col. 3, lines 3-4) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a chemical protection layer (Fig. 3, #6; also see col. 3, lines 47-50) covering the outside surface of the substrate body, the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer such as methyl-modified silicones (see col. 4, lines 36-40 and 59-68), the crosslinked modified-silicone elastomer imparting relative chemical resistance, wherein the chemical protection layer has a thickness of from about 0.01 mm to about 0.20 mm (see col. 3, lines 28-30); and a donning layer (Fig. 2, #4 or #5) overlying the inside surface of the substrate body (Fig. 2, #3). However, Joung fails to disclose the elastomeric material of the substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer. Littleton et al. teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the elastomeric material of the substrate body in Joung to consist of a styrene-ethylene-butylene-styrene triblock copolymer as suggested by Littleton et al. in order to

Art Unit: 1772

produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Regarding **claim 42**, note the chemical protection layer (Fig. 3, #6; also see col. 3, lines 46-50) defines an external, environment-exposed surface of the elastomeric article. Regarding **claim 60**, note the chemical protection layer (Fig. 3, #6) defines a grip surface of the elastomeric glove (see col. 3, lines 54-58). Regarding **claims 48 and 66**, note a lubricant layer (Fig. 2, #5; also see col. 4, lines 8-11) overlying the inside surface of the donning layer (Fig. 2, #4).

Regarding **claims 50-53**, Joung further fails to disclose the elastomeric article being a condom, a medical device and a flexible hose. However, the elastomeric article of Joung meets the structural limitations as shown previously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the elastomeric article of Joung to be a condom, a medical device and a flexible hose, since it has been held that a recitation with respect to the manner in which a claimed product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

10. **Claims 43 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Joung (US 4,302,852) in view of Littleton et al. (US 5,792,531) and in view of Liou (US 5,534,350).

Joung discloses an elastomeric glove that comprises a substrate body (Figs. 2 and 5, #3; also see col. 3, lines 3-4) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a chemical protection layer (Fig. 3, #6; also see col. 3, lines 47-50) covering the outside surface of the substrate body, the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-

silicone elastomer such as methyl-modified silicones (see col. 4, lines 36-40 and 59-68), the crosslinked modified-silicone elastomer imparting relative chemical resistance, wherein the chemical protection layer has a thickness of from about 0.01 mm to about 0.20 mm (see col. 3, lines 28-30); and a donning layer (Fig. 2; #4 or #5) overlying the inside surface of the substrate body (Fig. 2, #3). However, Joung fails to disclose the elastomeric material of the substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer. Littleton et al. '531 teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the elastomeric material of the substrate body in Joung to consist of a styrene-ethylene-butylene-styrene triblock copolymer as suggested by Littleton et al. '531 in order to produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Furthermore, Joung fails to disclose an outer layer overlying the chemical protection layer to define an external, environment-exposed surface of the elastomeric article. Liou teaches that it is old and well-known in the art to have an outer layer (polyurethane) to define an external, environment-exposed surface of an elastomeric glove for the purpose of providing abrasion resistance and water resistance to the surface of an elastomeric glove. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the elastomeric glove of Joung with an outer layer overlying the

Art Unit: 1772

chemical protection layer to define an external, environment-exposed surface as suggested by Liou in order to produce an elastomeric glove that is water resistant and abrasion resistant.

11. **Claims 47 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Joung (US 4,302,852) in view of Littleton et al. (US 5,792,531) and in view of Littleton et al. (US 6,730,380).

Joung discloses an elastomeric glove that comprises a substrate body (Figs. 2 and 5, #3; also see col. 3, lines 3-4) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a chemical protection layer (Fig. 3, #6; also see col. 3, lines 47-50) covering the outside surface of the substrate body, the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer such as methyl-modified silicones (see col. 4, lines 36-40 and 59-68), the crosslinked modified-silicone elastomer imparting relative chemical resistance, wherein the chemical protection layer has a thickness of from about 0.01 mm to about 0.20 mm (see col. 3, lines 28-30); and a donning layer (Fig. 2, #4 or #5) overlying the inside surface of the substrate body (Fig. 2, #3). However, Joung fails to disclose the elastomeric material of the substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer. Littleton et al. '531 teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the elastomeric material of the substrate body in Joung to consist of a



styrene-ethylene-butylene-styrene triblock copolymer as suggested by Littleton et al. '531 in order to produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Furthermore, Joung fails to disclose the donning layer containing syndiotactic 1,2 polybutadiene. Littleton et al. '380 teaches that it is old and well-known in the analogous art to have a donning layer containing syndiotactic 1,2 polybutadiene (see col. 9, lines 54-56) for the purpose of producing elastomeric gloves with excellent dry donning characteristics and good damp/wet donning characteristics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the donning layer in Joung to contain syndiotactic 1,2 polybutadiene as suggested by Littleton et al. '380 in order to produce elastomeric gloves with excellent dry donning characteristics and good damp/wet donning characteristics.

12. **Claims 36-39, 42, 44, 45, 49-57, 60, 62 and 63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (EP 0 609 387 B1) in view of Littleton et al (US 5,792,531).

Regarding **claims 36, 44, 45, 49, 54, 62 and 63**, Nash discloses an elastomeric glove that comprises a substrate body (glove) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a chemical protection layer covering the outside surface of the substrate body (see page 3, lines 25-27), the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer (see page 3, lines 26-27 and page 4, lines 1-5), the crosslinked modified-silicone elastomer imparting relative chemical resistance to the glove (see page 2, lines 49-51). However, Nash fails to disclose the substrate body consisting of a styrene-ethylene-butylene-styrene

triblock copolymer. Littleton et al. teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the substrate body of the glove in Nash to consist of a styrene-ethylene-butylene-styrene triblock copolymer as suggested by Littleton et al. in order to produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Regarding **claims 37-39** and **55-57**, note the modified silicone elastomer contains a diphenyl modified dimethylsilicone (see page 4, line 2). Regarding **claim 42**, note the chemical protection layer defines an external, environment-exposed surface of the elastomeric article (see page 2, lines 56-57). Regarding **claim 60**, note the chemical protection layer defines a grip surface of the elastomeric glove (see page 2, lines 56-57).

Regarding **claims 50-53**, Joung further fails to disclose the elastomeric article being a condom, a medical device and a flexible hose. However, the elastomeric article of Joung meets the structural limitations as shown previously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the elastomeric article of Joung to be a condom, a medical device and a flexible hose, since it has been held that a recitation with respect to the manner in which a claimed product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

13. **Claims 40, 41, 46, 48, 58, 59, 64, 66 and 67-70** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (EP 0 609 387 B1) in view of Littleton et al. (US 5,792,531).

Nash discloses an elastomeric glove that comprises a substrate body (glove) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a chemical protection layer covering the outside surface of the substrate body (see page 3, lines 25-27), the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer such as a diphenyl modified dimethylsilicone (see page 3, lines 26-27 and page 4, lines 1-5), the crosslinked modified-silicone elastomer imparting relative chemical resistance to the glove (see page 2, lines 49-51). However, Nash fails to disclose the substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer, a donning layer overlying the inside surface of the substrate body and a lubricant layer overlying the inside surface of the donning layer. Littleton et al. teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18), a donning layer (see col. 4, lines 23-24) overlying the inside surface of the substrate body and a lubricant layer overlying the inside surface of the donning layer (see col. 4, lines 30-31) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the glove in Nash with a substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer, a donning layer overlying the inside surface of the substrate body and a lubricant layer overlying the inside surface of the donning layer as suggested by

Littleton et al. in order to produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Furthermore, Nash fails to disclose the chemical protection layer having a thickness of from about 0.01 mm to about 0.20 mm. The optimum range for the thickness would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the chemical protection layer in Nash to have a thickness of 0.01 mm to about 0.2 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. *MPEP 2144.05 (II)*.

14. **Claims 43 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (EP 0 609 387) in view of Littleton et al. (US 5,792,531) and in view of Liou (US 5,534,350).

Nash discloses an elastomeric glove that comprises a substrate body (glove) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a chemical protection layer covering the outside surface of the substrate body (see page 3, lines 25-27), the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer (see page 3, lines 26-27 and page 4, lines 1-5), the crosslinked modified-silicone elastomer imparting relative chemical resistance to the glove (see page 2, lines 49-51). However, Nash fails to disclose the substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer. Littleton et al. teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein

Art Unit: 1772

the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the substrate body of the glove in Nash to consist of a styrene-ethylene-butylene-styrene triblock copolymer as suggested by Littleton et al. in order to produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Furthermore, Nash fails to disclose an outer layer overlying the chemical protection layer to define an external, environment-exposed surface of the elastomeric article. Liou teaches that it is old and well-known in the art to have an outer layer (polyurethane) to define an external, environment-exposed surface of an elastomeric glove for the purpose of providing abrasion resistance and water resistance to the surface of an elastomeric glove. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the elastomeric glove of Nash with an outer layer overlying the chemical protection layer to define an external, environment-exposed surface as suggested by Liou in order to produce an elastomeric glove that is water resistant and abrasion resistant.

15. **Claims 47 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (EP 0 609 387 B1) in view of Littleton et al. (US 5,792,531) and in view of Littleton et al. (US 6,730,380).

Nash discloses an elastomeric glove that comprises a substrate body (glove) shaped to the contours of a hand, the substrate body having an inside surface and an outside surface; a

Art Unit: 1772

chemical protection layer covering the outside surface of the substrate body (see page 3, lines 25-27), the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer (see page 3, lines 26-27 and page 4, lines 1-5), the crosslinked modified-silicone elastomer imparting relative chemical resistance to the glove (see page 2, lines 49-51). However, Nash fails to disclose the substrate body consisting of a styrene-ethylene-butylene-styrene triblock copolymer. Littleton et al. '531 teaches that it is old and well-known in the analogous art to have an elastomeric glove wherein the substrate body contains a styrene-ethylene-butylene-styrene triblock copolymer (see col. 2, lines 14-18) for the purpose of producing a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the substrate body of the glove in Nash to consist of a styrene-ethylene-butylene-styrene triblock copolymer as suggested by Littleton et al. '531 in order to produce a hypoallergenic elastomeric glove with excellent elastic and strength properties and is resistant to environmental degradation such as ozonation.

Furthermore, Nash fails to disclose a donning layer containing syndiotactic 1,2 polybutadiene. Littleton et al. '380 teaches that it is old and well-known in the analogous art to have a donning layer containing syndiotactic 1,2 polybutadiene (see col. 9, lines 54-56) for the purpose of producing elastomeric gloves with excellent dry donning characteristics and good damp/wet donning characteristics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the glove in Nash with a donning layer containing syndiotactic 1,2 polybutadiene as suggested by Littleton et al. '380 in

order to produce elastomeric gloves with excellent dry donning characteristics and good damp/wet donning characteristics.

***Response to Arguments***

16. Applicant's arguments with respect to claims 36-70 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

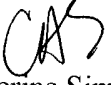
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Catherine Simone  
Examiner  
Art Unit 1772  
December 9, 2004

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

12/10/04